

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

DATE: January 10, 1986

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Blutworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept. - Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Glen Torcivia, Assistant County Attorney
Patty Young - 4th District Court of Appeals
Law Library

(2) County Library
Gary Brandenburg, County Attorney

- Micki Brown, Finance
- Janet Hinderoger, Criminal Div.
for the Clerk's Office

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-42

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE
PROVISION OF PARKING SPACES FOR CERTAIN DISABLED
PERSONS; PROVIDING FOR THE PAINTING AND POSTING OF
SAID PARKING SPACES; PROVIDING FOR PENALTIES;
PROVIDING FOR EXEMPTIONS; PROVIDING FOR INCORPORATION
OF STATE LAW; PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING FOR APPLICABILITY; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach
County. This Ordinance has been filed with Florida Department of State
and forwarded to Municipal Code Corporation for codification. The
effective date is ★ JANUARY 1, 1986 ★.

Signed

Louie Clinger
Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office
and we will be happy to provide a copy.

Inter-Office Communication
PALM BEACH COUNTY

JAN 13 1986

TO All Departments listed on DATE January 10, 1986
attached Distribution List
FROM John W. Dame FILE
Chief Deputy Clerk
RE ORDINANCE #85-42 - Parking for the Disabled - EFFECTIVE DATE

As per attached memo from the County Attorney's Office please note that the copy of the above referenced Ordinance which you received January 2, 1986 is incorrect.

The correct effective date is January 1, 1986 not February 1, 1986.

Please replace the incorrect copy with the correct one enclosed.

Thank you.

JWD/lc

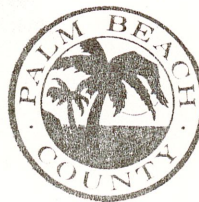
SIGNED 

Board of County Commissioners

Kenneth M. Adams, Chairman
Karen T. Marcus, Vice Chair
Ken Spillias
Jerry L. Owens
Dorothy Wilken

Office of County Attorney

Gary M. Brandenburg
County Attorney



DATE: January 8, 1986

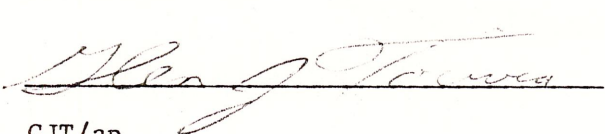
TO: Lori Clinger
Finance Dept.

FROM: Glen J. Torcivia
Assistant County Attorney

RE: Palm Beach County Physically Disabled Parking Space Ordinance

The effective date of the above ordinance is January 1, 1986. As you are aware, at first reading, January 1, 1986 was approved as the effective date of this ordinance. However, through a typographical error the ordinance that was provided to the Minutes Department at the Board of County Commissioners' second reading of said ordinance indicated that the effective date was to be February 1, 1986. As I have just stated, this was a typographical error and I have enclosed a corrected original for your information. I would appreciate it if you could see to it that the Chairman signs this corrected original and it is furnished to the Department of State, along with the Municipal Code Corporation, indicating that the proper and correct effective date of this ordinance is January 1, 1986 and not February 1, 1986, and request that they change their records accordingly.

I am sorry for any inconvenience this may have caused you and thank you for your cooperation in resolving this matter.


GJT/ap

cc: Gary Brandenburg, County Attorney

Attachment

ORDINANCE NO. 85-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE PROVISION OF PARKING SPACES FOR CERTAIN DISABLED PERSONS; PROVIDING FOR THE PAINTING AND POSTING OF SAID PARKING SPACES; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR INCORPORATION OF STATE LAW; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 316 of the Florida Statutes authorizes Counties to regulate traffic, stopping, standing, or parking with respect to streets and highways within their jurisdiction; and

WHEREAS, Florida Statutes 316.1955, 316.1956, 316.1957 and 316.008(4) specifically authorize Counties to legislate in the field of providing parking spaces for certain disabled persons.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1. SHORT TITLE

This ordinance shall be known and may be cited as the Palm Beach County Physically Disabled Parking Space Ordinance.

SECTION 2. DEFINITIONS

All definitions set forth in Florida Statute 316.003 are hereby adopted and incorporated herein as if fully set forth herein.

SECTION 3. MARKING OF PARKING SPACES

All parking spaces which are required by Florida Statute 316.1955 or 316.1956 to be specially designed and marked motor vehicle parking spaces for the exclusive use of those physically disabled persons who have been issued an exemption entitlement parking permit pursuant to Florida Statute 320.0848 or Florida Statute 316.1958, shall be prominently outlined with paint and posted with a permanent above-grade sign of a color and design approved by the Florida Department of Transportation, bearing the international symbol of accessibility, or both the international symbol of accessibility and the caption "PARKING

1 BY DISABLED PERMIT ONLY." However, until such time as the Florida
2 Department of Transportation adopts regulations specifying the color of
3 said signs, all such spaces which are painted or repainted after the
4 effective date of this ordinance shall be painted blue. All such spaces
5 which are in existence as of the effective date of this ordinance shall
6 be exempt from the provisions of this section until such time as said
7 spaces are repainted or until January 1, 1989, whichever occurs first.

8 SECTION 4. UNLAWFUL ACTS AND EXEMPTION

9 It is unlawful for any person to stop, stand, or park a vehicle
10 within any such specially designated and marked parking space provided in
11 accordance with this ordinance, unless such vehicle displays a parking
12 permit issued pursuant to Florida Statute 320.0848 or Florida Statute
13 316.1958, and such vehicle is transporting a person eligible for the
14 parking permit. However, any person who is chauffeuring a disabled
15 person shall be allowed, without need for an identification parking
16 permit, momentary parking in any such parking space, for the purpose of
17 loading or unloading such disabled person. No penalty shall be imposed
18 upon the driver for such momentary parking.

19 SECTION 5. PENALTY

20 A. A violation of any of the provisions of this ordinance
21 shall be deemed an infraction, the fine for which shall be \$100.00. The
22 sums collected pursuant to this ordinance shall be deposited in a
23 separate County account to be used in the following manner:

24 1. One-third to be used to defray expenses for the
25 administration of this ordinance;

26 2. Two-thirds to be used to provide funds to improve
27 accessibility and equal opportunity to qualified physically disabled
28 persons in the County and to provide funds to conduct public awareness
29 programs in the County concerning physically disabled persons.

30 B. In addition to the fine set forth above, whenever a law
31 enforcement officer or a parking enforcement specialist finds a vehicle
32 in violation of this ordinance, that officer shall have the vehicle in
33 violation removed to any lawful parking space or facility or require the

1 operator or other person in charge of the vehicle immediately to remove
2 the unauthorized vehicle from the parking space. Whenever any vehicle is
3 removed by a law enforcement officer, parking enforcement specialist, or
4 agency to a storage lot, garage, or other safe parking space, the cost of
5 such removal and parking shall be a lien against the vehicle as provided
6 in Florida Statute 316.1955.

7 SECTION 6. EXEMPTION

8 Motor vehicles displaying a special license plate or parking
9 permit issued to a handicap person by any other state or district subject
10 to the Laws of the United States, shall be recognized as a valid license
11 plate or permit allowing such vehicle the special parking privileges
12 allowed pursuant to the provisions of Florida Statute §316.1955,
13 §316.1956, §316.1958 and this ordinance, provided such other state or
14 district grants reciprocal recognition for handicap residents of this
15 state.

16 SECTION 7. INCORPORATION OF STATE LAW; REMEDIES NON-EXCLUSIVE

17 All provisions of Florida Statutes Chapter 316, Chapter 318,
18 and Chapter 320 relating to the subject matter of this ordinance or
19 relating to hearing procedures, penalties, or disposition of traffic
20 infractions, are hereby incorporated by reference. The penalties set
21 forth herein are non-exclusive and may be imposed in addition to or in
22 lieu of any other penalties set forth in F.S. Chapter 316, Chapter 318,
23 or Chapter 320.

24 SECTION 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

25 It is the intention of the Board of County Commissioners and it
26 is hereby ordained that the provisions of this ordinance shall become and
27 be made a part of the code of laws and ordinances of Palm Beach County,
28 Florida; that the sections of this ordinance may be renumbered or
29 relettered to accomplish such intentions; that the word "ordinance" may
30 be changed to "section," "article," or any other appropriate words.

31 SECTION 9. APPLICABILITY

32 It is hereby provided this ordinance shall constitute a uniform
33 law applicable in all the unincorporated and incorporated areas of Palm

1 Beach County, Florida, to the extent permitted by Florida Constitution,
2 Article VIII, Section 1.

3 SECTION 10. SEVERABILITY

4 If any section, paragraph, sentence, clause, phrase, or word of
5 this ordinance is for any reason held by the Court to be unconstitu-
6 tional, inoperative or void, such holding shall not affect the remainder
7 of this ordinance.

8 SECTION 11. EFFECTIVE DATE

9 The provisions of this ordinance shall become effective on
10 January 1, 1986.

11 APPROVED AND ADOPTED by the Board of County Commissioners of
12 Palm Beach County, Florida, on the 17th day of December, 1985.

13 PALM BEACH COUNTY, FLORIDA, BY ITS
14 BOARD OF COUNTY COMMISSIONERS

15 By [Signature]
16 Chairman

17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

19 [Signature]
20 County Attorney

21 Acknowledged by the Department of State of the State of
22 Florida, on this, the 27th day of December, 1985.

23 EFFECTIVE DATE: Acknowledgement from the Department of State
24 received on the 31st day of December, 1985, at 11:47 A.M. and
25 filed in the Office of the Clerk of the Board of County Commissioners of
26 Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 12-17-85
DATED at West Palm Beach, FL on 1-10-86
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk